

**Naples Planning and Land Use
Regular Meeting
April 21, 2015**

Commission Present: Neil Cathey, Cresta Slaugh, Chris Clark, Andrew Bentley, Bret Stringham, Kerry Kinney

Commission Absent: Mark Partridge, Szeth Simmons

Others Present: Joshua Bake, Connie Patton, Dale Peterson, Dean Baker, Kelly Harvey, Justin Wallis, Dale Harrison, Todd Slaugh, Cleo Oldaker

Verification of full Quorum Chair, Neil Cathey verified a full Quorum
All seven Commission Members will be voting in tonight's meeting.

Approval of Agenda

Neil asks for motion to approve the agenda for April 21, 2015. Kerry made the motion to approve the agenda for April 21, 2015 meeting, Chris seconds the motion.

All in favor:

Neil Cathey	Aye
Chris Clark	Aye
Cresta Slaugh	Aye
Andrew Bentley	Aye
Kerry Kinney	Aye

Motion passed with all voting Aye.
None opposed

Disclosures

Chris Clark was the site engineer on the fire station site plan review. Chris has abstained.

Approval of Minutes

Neil asks for questions or comments on the approval of minutes for March 17, 2014. Chris, page 3, second paragraph, change Tech to Architect. Cresta made the motion to approve minutes with corrections. Andrew seconds.

All in favor:

Neil Cathey	Aye
Chris Clark	Aye
Cresta Slaugh	Aye
Andrew Bentley	Aye
Kerry Kinney	Aye

Motion passed with all voting Aye.
None opposed

PLANNING

Action Items

- Public Hearing
 - Site Plan Review: Naples City Fire Station Site Plan- Preliminary and Final Review

Motion Kerry made the motion to open the public hearing for the preliminary and final review of the Naples City Fire Station. Cresta seconds the motion.

All in favor:

Neil Cathey	Aye
Chris Clark	Aye
Cresta Slaugh	Aye
Andrew Bentley	Aye
Bret Stringham	Aye
Kerry Kinney	Aye

Motion passed with all voting Aye.

None opposed

Joshua, we have the Naples City Fire Station Site Plan- Preliminary and Final Review tonight. Justin Wallis from FFKR Architects is with us and Chis Clark has worked on this plan as well. The proposed site is right next to the City Offices.

Justin Wallis a month ago we came and presented a conceptual site plan for the new Fire Station that will be built directly west of us where the City Building is now. We have come back today for the Preliminary and Final Site Plan Review. First some of the exterior materials that we've looked at, the truck bay will have a stone base with a stucco top. The tower will be stone from the foundation all the way up with a synthetic slate roof. There will be various timber frames trellises and items that will be a stained timber. Stucco will be a tan color with darker trim. The building is pushed to the west side of the property and will provide a covered parking area that was requested by the Fire Department for some of their trailers. We will be extending Weatherby Drive in addition to providing new street lights and street trees to match existing. We will provide planting around the perimeter of the site. All of the adjoining properties are zoned as Commercial so we are addressing the Form Base Code. At the request of the Police Department we have added additional parking for squad cars. Neil, is there any one here that has anything to say in favor of the plan? (no one) Is there anyone here who has anything against the plan? (No one). If there are no other comments I'll take a motion to close this public hearing.

Motion Kerry made the motion to close the public hearing for the Naples City Fire Station Site Plan- Preliminary and Final Review. Cresta seconds the motion.

All in favor:

Neil Cathey	Aye
Chris Clark	Aye
Cresta Slaugh	Aye
Andrew Bentley	Aye
Bret Stringham	Aye
Kerry Kinney	Aye

Motion passed with all voting Aye.

None opposed

Motion Andrew, I make the motion that we accept the site plan review for the Naples Fire Station, the Preliminary and Final. Motion rescinded.

Andrew, I make a motion that we approve the recommendation to the City Council that the Preliminary and Final plan for the Naples City Fire Department be accepted. Bret seconds the motion.

All in favor:

Neil Cathey	Aye
Chris Clark	Abstained
Cresta Slaugh	Aye
Andrew Bentley	Aye
Bret Stringham	Aye
Kerry Kinney	Aye

Motion passed with all voting Aye.

None opposed

- Public Hearing – Ordinance Amendment
 - Section 02-28-005 Industrial Zone *Special Provisions*

- To amend ordinance to only require a masonry fence between Industrial Zones and Residential Zones only when it directly abuts the Residential use. Currently the ordinance states that a masonry fence is required when it “adjoins” a residential use.

Motion Cresta made the motion to go into the public hearing for, Section 02-28-005 Industrial Zone Special Provisions. Bret seconds the motion.

All in favor:

Neil Cathey	Aye
Chris Clark	Aye
Cresta Slaugh	Aye
Andrew Bentley	Aye
Bret Stringham	Aye
Kerry Kinney	Aye

Motion passed with all voting Aye.

None opposed

Joshua, we did have a property owner request that we amend our ordinance to allow a chain link fence. 02-28-005 states that, where any industrial use **adjoins directly abuts** any residential use, the owner of the industrial property shall provide and maintain along such property line a minimum six foot ornamental masonry wall of a neutral color. The petitioner asks that the Commission look at this a little more carefully. His industrial use is across the street from residential use. The Commission concluded that the, adjoins the residential use means to the middle of the street. This is a proposed amendment to change to directly abuts. It was in conjunction with Commissioner Mark Partridge whom is absent and JRH Construction to form this change, to where it would directly abut residential use. There for I just need the one of the Commissioners to say, the fence is enough of a barrier and separation. A chain link fence could be permissible in this instance. We do need to keep in mind this change will apply to the entire City and not just the individual making the request. As you can see by the map provided there are only a few places that this will affect. There is a difference between a residential zone and residential use.

Chairman Cathay asks if there is any public in favor of the chain link fence. (no one) Is there any public that is opposed to allowing the chain link fence?

Cleo Oldaker, I live at 1441 South 2000 East which is right across the street so I get all of their dust I get all of their dirt, I get all their beep, beep, beep, beeps at six o'clock in the morning. All of their noise clanging and banging all day long, and then we get the beautiful view. The back hoes the track hoes all of the lights. A chain link fence would prevent the view but it would not prevent the dust and sound. A masonry fence would block a lot, the view the sound and the dust. Neil, they have stated that if they can't do the chain link fence it will stay as it is. Would you rather they keep the old fence? Cleo, well a chain link fence isn't going to change anything; we will still get all the noise, see all of their equipment, and still get all the dust.

Mayor Baker, I'm not necessarily for it or going to oppose the change, I just want to caution you before you make the change. When Halliburton came in we required them to put in a stone masonry fence. It has not been developed yet so the fence isn't in but when they do develop that the masonry fence will have to be built. If you change the ordinance now the change will affect them.

Dale Harrison, my address is 2947 South 670 East. I don't live in the area but my mother does. She lives on 1750 south. She lives right in a high density of industrial use. She has Halliburton on one side and the scrap yard on the other. She hears more of the scrap yard because there is not a barrier between her and her back yard and at four o'clock in the morning when they are crushing cars, you hear it. I don't care if you have a masonry fence, a road or whatever, it does not help. Please remember what actually can be in an industrial zone. To help protect the people that is living by it. If these people sell and a lumber yard moves in, it catches on fire a masonry fence will defiantly help act as a fire barrier. Think of the explosion we had several years ago, buildings got leveled. There are reasons why we have a masonry fence in an industrial zone. A road is not a good barrier. We don't even allow chain link fence in our commercial zone why would we allow it in our industrial zone? Let's do not allow this in our industrial zone.

Ted Slaugh, I live across from JRK also. A masonry fence would help. We're a little bit late now because from our house they've already put up a chain link fence. Like Cleo said, we get all the dust, the dirt, the beep, beep, beep, all that at six o'clock in the morning so we're a little bit late but it helps them out anyway. It would help with the lighting because we get the lights in our house. If they get a fence up that would help that out too so take all of that into consideration.

How did they get away with putting chain link on 1500 south? How did they get away with it there and not the other place? Joshua, this ordinance came into effect on August the 14, 2014.

Motion Crest made a motion to close the public hearing. Kerry seconds.

All in favor:

Neil Cathey	Aye
Chris Clark	Aye
Cresta Slaugh	Aye
Andrew Bentley	Aye
Bret Stringham	Aye
Kerry Kinney	Aye

Motion passed with all voting Aye.
None opposed

Chairman Cathey read a letter from Commission member Mark Partridge in favor of the proposed change.

Motion Kerry made a motion that we don't change the ordinance. We leave it the way it is stated that it adjoins a residential use, it needs the wall. Cresta seconds the motion.

Roll Call:

Neil Cathey	Aye
Chris Clark	Aye
Cresta Slaugh	Aye
Andrew Bentley	Nye
Bret Stringham	Aye
Kerry Kinney	Aye

Motion passed with six voting Aye.
One opposed

- Public Hearing-Ordinance amendment
 - Section 02-17-005 **Airport Zone-Additional Airport Regulations**
 - To amend the ordinance to remove the requirement that the airport construct a four foot landscape strip in front of the required eight foot masonry wall

Motion Crest made a motion to go into the public hearing for section 02-17-005 additional airport regulations. Bret seconds the motion.

All in favor:

Neil Cathey	Aye
Chris Clark	Aye
Cresta Slaugh	Aye
Andrew Bentley	Aye
Bret Stringham	Aye
Kerry Kinney	Aye

Motion passed with all voting Aye.
None opposed

Neil, we are now in a public hearing for section 02-17-005 Airport Zone.

Joshua, this recommendation comes from the County and the Airport as they are constructing a masonry wall. There is a requirement that they need a four foot buffer, a landscape strip next to the wall. They have requested the city amend the ordinance to eliminate that strip.

Justin Marchant, with GDA Engineering, the engineering consultant for the Vernal Regional Airport. We are here to propose to move the airport wall; this decision is in conjunction with the FFA and the land owner. We would like to locate the wall one foot in side of the Airport property line. We will relocate the irrigation line as well. The preference by the city was to eliminate the ordinance for the Airport zone.

Neil, is there anyone here that is for the change?

Dale Harrison, they have put a great fence up all the way around it and I think the ordinance for the landscaping should be changed.

Kelly Harvey, there was some question of when the property was bought and that was done in 2103. The ordinance was changed in 2014. The ordinance came four months after the purchase of the land. The FFA looks at that as a land taking and not as federal property. The county is having problems with that because with those strings, the county gets to operate the Airport and there are a lot of strings attached to those grants. It is pitting the county against the regulatory and that's what is causing the problems.

Chris, that's not the time we were proposing the development, right? Kelly, no. Chris, so purchasing the property is different than developing the property, which is what our ordinances define. In this case constructing a fence, going back to the last meeting there was a question of rather someone was pushing it vs if someone just thought it up. Kelly, the FFA requires any time you buy federal land; the sponsor who receives the land has to control the land. That's one of the stipulations that come from using federal dollars is it has to be in control of the sponsor and any designation of the boundary must be one foot off the property line. Dean, I think we created this ordinance five or six years ago, as the Airport was looking at property down on 2500. It was up dated in March of 2014 but I think it is at least five if not six or seven years that this has been into existence, we didn't change anything but the requirement to the fence. The landscape is at issue here and they are requesting to do away with that. At the time I don't know why we required landscape there; it really doesn't affect a lot of people. Ted, pay attention to what their run off is doing. When they changed some stuff of 1500 they caused problems and flooded a couple of homes.

Neil, would anybody like to speak against changing this ordinance? If no other comments I will take a motion to close the public hearing.

Motion Bret made a motion to close the public hearing on section 02-17-005 Airport Zone-Additional Airport Regulations. Cresta seconds the motion.

All in favor:

Neil Cathey	Aye
Chris Clark	Aye
Cresta Slaugh	Aye
Andrew Bentley	Aye
Bret Stringham	Aye
Kerry Kinney	Aye

Motion passed with all voting Aye.

None opposed

Motion Bret, I'll make a motion. To take out said solid wall shall also include a four foot landscape strip between residential and the wall. Neil, Bret has made a motion that we recommend changing this ordinance to the City Council. Do we have a second? Kerry seconds the motion.

Roll Call:

Neil Cathey	Aye
Chris Clark	Aye
Cresta Slaugh	Aye
Andrew Bentley	Aye
Bret Stringham	Aye
Kerry Kinney	Aye

Motion passed with all voting Aye.

None opposed

Administrative:

Joshua, last week I went down to the APA which is the American Planning Association Conference. One thing we are working on right now is Form Base Codes. There was a person there that works with these. Around the country Form Base Codes are all the rage. The feeling between many communities is if you don't have a Form Base Code you're falling behind. To some extent that is right, Form Base Codes do a lot of great things. As you know we are looking at our Form Base Code. There is a new industry popping up. These new consultants have found there is a new service needed and that is to look

at a City's Form Base Code and make them useable. They are beginning to recognize that communities are drafting these wonderful documents, however the practicality of these Form Base Codes are not necessarily practical. Developers are not coming, businesses are not coming, residences are not coming, and so these guys will look at the codes and figure out what needs to change to get these people here. In the next year or two our Form Base Code goes from a wonderful document to something we can actually use.

The other thing they done a big push on was changing from a Board of Adjustments to a single Hearing Officer. This officer will have to be fully trained. Typically it's a Land Use Attorney and is very up to date in the laws of Land Use Ordinances. It's a new thing that most communities are moving to and comes highly recommended by the Utah Local City and Towns and the American Planning Association.

Meg Ryan with the Utah Local Cities and Town is still going to come to do training for us. She ask if there was a specific training or a general Land Use training so if you think of something in the next week or two please contact me and I'll let her know. Over all it was a great training with a lot of opportunities coming up.

Items For Future Discussion

Cresta, ask if we had a noise ordinance. Joshua thought we did and will get that for Cresta.
Bret asks to be released from his duties as a Commission Member. His business is getting to busy and he needs to take care of that.

ADJOURN

Bret made a motion to adjourn, Cresta seconds the motion.

All in favor:	
	Neil Cathey
	Chris Clark
	Cresta Slaugh
	Andrew Bentley
	Bret Stringham
	Kerry Kinney
	Aye
	Aye
	Aye
	Aye
	Aye
	Aye
Motion passed with all voting Aye.	
None opposed	

The next Planning and Zoning meeting will be held May 19th 2015 in the Naples City Council Chambers @ 7:30 P.M.